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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,575

10/24/2003

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6941

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EXAMINER

KIM, WESLEY LEO

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,575	<b>Applicant(s)</b> SAKAGUCHI, KATSUYA	
	<b>Examiner</b> WESLEY L. KIM	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Amendment filed 12/12/08.

- Claim 1 is currently amended.
- Claims 2-3 and 5-10 are in their original form.
- Claims 1-3 and 5-10 are pending in the current Office Action.
- This Action is Made FINAL.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-3 and 5-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (Specification of 10/691575) in view of Betting et al (DE 19918053 A1).

**Regarding Claim 1**, Applicants Admitted Prior Art (AAPA) teaches, a case (Fig.1B:101 device has a case); a printed circuit board (Fig.1B;2) disposed within the case and arranged substantially along the case surface (Fig.1B, case obviously encloses the circuit board although not entirely depicted); a light

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emitting surface (Fig.1B, 11) **directed to a direction of a surface of the printed circuit board**, a light mixing space (Fig.1B:12) formed in a vicinity of an end of the printed circuit board (Fig.1B, the light mixing space is formed in a vicinity of an end of the printed circuit board), and located comparatively far from the light emitting surface (Fig.1B, the light mixing space is located comparatively far from the light emitting surface (Fig.1B:11)); and a window section formed within a portion of a surface of the case (Fig.1B:3), arranged substantially along the surface of the printed circuit board (Fig.1B:3, located substantially along the surface of the printed circuit board 2), and located in the vicinity of the light mixing space (Fig.1B, window section is in the vicinity of the light mixing space), however **AAPA does not expressly teach** that the light emitting surface is directed to a direction of a surface of the printed circuit board.

Betting clearly teaches that a light emitting surface is directed to a direction of a surface of the printed circuit board (Fig.2:23 and Fig.3:23 and Col.3:line 22, LED).

Therefore, to one of ordinary skill in the art, it would have been obvious to modify the teachings of AAPA with Betting at the time of the invention such that the intensity of the light shining out from the window may be reduced by having the light emitter emitting light indirectly towards the window to achieve a desired look at the window.

**Regarding Claim 2**, the Applicants Admitted Prior Art teaches the light-emitting surface is attached to the wiring board (light emitting surface 11 is attached to wiring board 2).

**Regarding Claim 3**, the Applicant Admitted Prior Art teaches the light mixing space is an oblong space (Fig.1B;12).

**Regarding Claim 5**, Applicants Admitted Prior Art teaches the light emitting surface emits at least any one of red, green, and blue light beams (Page.2, lines 14-16).

**Regarding Claims 6 and 7**, Ariga teaches an LED is a side/surface emitting type (Col.6;17-21), LEDs are well known in the art and Ariga teaches that there are side/surface emitting LEDs.

**Regarding Claim 8**, Applicants Admitted Prior Art teaches the window section is translucent (Page.3; lines 8-11).

**Regarding Claim 9**, Applicants Admitted Prior Art teaches the window section is creamy white (Page.2; lines 6-9).

**Regarding Claim 10**, Applicants Admitted Prior Art teaches the light emitting surface includes a means for emitting light when a call arrives at the portable terminal device (Page.2; lines 12-14).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WESLEY L. KIM whose telephone number is (571)272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/Wesley L Kim/  
Examiner, Art Unit 2617